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ANNUAL REPORT
OF THE
Livestock Commission

OF THE
STATE OF MONTANA

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SEP 22 1921

FOR THE YEAR

1919

INDEPENDENT PUBLISHING CO.
HELENA, MONTANA



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The Livestock Commission

OF THE

STATE OF MONTANA

JOHN H. BURKE, President.....	Helena
H. B. MITCHELL, Vice-President.....	Great Falls
W. H. DONALD.....	Melville
PERCY WILLIAMSON	Miles City
D. W. RAYMOND	Jeffers
G. T. FARRELL	Ronan
E. A. PHILLIPS, Secretary.....	Helena

LETTER OF TRANSMITTAL

Honorable S. V. Stewart,
Governor of the State of Montana,
Helena, Montana.

Dear Sir:

I hand you herewith report of the Live Stock Commission for the period from June 6th, 1919, to January 1st, 1920.

Respectfully submitted,

E. A. PHILLIPS,
Secretary.

REPORT OF THE MONTANA LIVESTOCK COMMISSION

The Commission met on June 5th, and elected the following officers:

President: J. H. Burke, Helena.

Vice-President: H. B. Mitchell, Great Falls.

Secretary: E. A. Phillips, Helena.

At this meeting, in addition to handling all routine matter, 268 estray claims were given consideration.

The Commission issued a call to all interested stockmen, for a meeting to be held in Helena, July 12th, to discuss the drouth situation, and to provide relief measures for the drouth-stricken. Mr. M. J. Gormley, Assistant Regional Director of the Western Division, for the United States Railway Administration, with headquarters at Chicago, was present at this meeting, and after hearing reports as to existing conditions from all sections of the State, announced that the Railway Administration was ready and willing to aid in every way possible, in instituting and carrying through relief measures. Mr. Gormley told of the methods pursued by the Railway Administration during the drouth seasons in the southwest, and gave assurance that the Railway Administration would facilitate the shipping of livestock to market, and to feed, by furnishing all the stock cars needed. It was as a direct result of this meeting, with Mr. Gormley that the one and one-third rate on livestock, shipped out of the State for feed, and the one-half rate on feed, shipped into the State, were made possible.

Immediately following this meeting, the Live Stock Commission sent representatives to canvass the states of North and South Dakota, Nebraska, Minnesota, and Wisconsin, with the idea of getting a line on the available feed supply in these states. At the same time, an Information Bureau was opened, and the reports from the agents sent out, were given wide publicity through the press of the State. Through this medium, many stockmen were able to find pasturage for their livestock, and others were able to procure a feed supply for the winter. About August 15th, the United States Department of Agriculture opened a branch office in Billings, with

J. C. Burns of Texas, and C. N. Arnett of Bozeman, in charge, and the service given, was of great value to the stockmen in general.

Through the keen interest of R. H. Aishton, Regional Director of the Western Division for the United States Railway Administration in the welfare of Montana stockmen, the Commission was able to have stationed in Helena, special representatives for each railroad, operating in the State. It was the duty of these representatives to keep in close touch with the movement of livestock and feed and with the car supply, and to keep the Commission, and through the Commission the stockmen of the State, in touch with the shipping situation. The Commission received and handled car orders, and with the various railroad representatives accessible, was able to get early relief in many cases that ordinarily drag out to great length. The Railway Administration, through Mr. Aishton, rendered a very valuable service to the livestock industry of Montana. Of course, there were unavoidable delays at times, in furnishing stock cars. The Commission desires at this time to acknowledge and thank the Railway Administration for their efforts, and feel that Montana stockmen were particularly fortunate in the service given.

As a result of the early setting in of winter conditions, and the congestion of stock and feed shipments that followed, the Railway Administration, at the instance of the Live Stock Commission, appointed D. R. Black of Great Falls, Special Federal Agent, and gave him supervision over all lines in Montana. This arrangement greatly facilitated the movement of stock to feed and feed to stock.

On August 12th and 13th, the Commission held a meeting in Helena. At this time, in addition to disposing of all routine matter, 129 estray claims were received.

Because of the very unusual conditions, existing during the year just past, the Live Stock Commission has felt it necessary to resort to emergency measures. Additional inspectors were needed to handle the rush of shipments, caused by the shortage of grass, and the operating expense very naturally increased. During the year, the Commission has employed twenty-eight inspectors to handle the work within the State. Most of these men were employed during the entire year. Some, however, were part-time men. The regu-

lar inspection forces in Chicago, St. Paul, Omaha, and Sioux City, were increased, and offices were installed at St. Joseph, and Kansas City.

During the year 1919, the Live Stock Commission has expended \$94,287.30. This figure is considerable in excess of the cost of operation for any previous year, but as heretofore explained, the additional expenditure was necessitated by the unusual conditions and unusual problems that had to be combatted.

During the year 1919, a total of 6,731 brands were recorded in the office of the Live Stock Commission. The fees, amounting to \$13,462.00, were deposited to the credit of the Commission Fund, and were used for maintenance.

Report of Brand Recorded, 1919.

Month	Fees Received	Brands Recorded
January	\$ 800.00	400
February	1,292.00	646
March	1,318.00	659
April	1,554.00	777
May	1,588.00	794
June	1,410.00	705
July	1,066.00	533
August	978.00	489
September	1,142.00	571
October	1,200.00	600
November	542.00	271
December	572.00	286
TOTAL	\$13,462.00	6731

Cattle Export.

From figures available, it is estimated that 641,337 of our cattle were shipped out of the State. Of this number, approximately 150,000 were put on feed, and it is probable that only a small part of these will be returned. Practically all of the cattle, shipped from Montana to feed elsewhere, have been put on the market. This was done because of unsatisfactory conditions encountered, and prohibitive prices charged. Much of the breeding stock was necessarily sacrificed, but that part that was retained, was the best of the herds, and with them for a foundation, Montana is assured of a better grade of cattle than she ever has known. It will

probably be many years before we will again reach the state where, what has been considered a normal export of cattle, will be possible. There is much sound logic in the following statement of one of our leading stockmen, who said:

"This great drouth will have the same effect on stock, that a great fire has upon a city. No city or town was ever destroyed by fire that did not build up again in much better shape and with a far better promise of growth and prosperity than it had before. So it will be with the stock here. Half a million head have gone out of the State, I believe, and with them have gone all the scrub cows and poor bulls, but the stockmen will come back next Spring if the rain comes, and they won't bring back those dogies and scrubs. They will restock with good beef stock, and with good dual-purpose ewes and rams, just as they are restocking Texas now. We will be a better stock country two or three years from now, than we have ever been before, and we will be making more money."

The following table shows the number of Montana cattle, sold on markets, where the Live Stock Commission maintains inspection, during the year 1919:

Market and Inspector	Number
Chicago—S. J. Scott	280,247
So. St. Paul—W. H. Rhoads	86,897
Omaha—O. A. Daugherty	68,615
Kansas City—W. L. Calohan	1,658
St. Joseph—Jas. Runyan	190
Sioux City—B. H. Graham	12,342
Denver—Inspected by Wyoming.....	15
TOTAL	449,964

The total given, shows an increase of 43,549 head over the number sold on the same markets, in 1918. In addition to this figure, there were 191,373 head inspected at the time of loading, destined for points outside the State. These cattle were scattered over the whole country. Some were sent West; others to Texas, and the balance distributed through the Mississippi Valley States. Therefore, the total export of cattle from Montana for 1919, was 641,337 head. This figure is greatly in excess of that of any one year as will be seen by the following table, showing the annual export for each year, since 1885:

Year	Output	Year	Output	Year	Output
1885.....	79,089	1896.....	254,864	1907.....	214,642
1886.....	119,620	1897.....	252,162	1908.....	241,320
1887.....	82,134	1898.....	232,225	1909.....	255,178
1888.....	167,602	1899.....	203,499	1910.....	243,662
1889.....	123,880	1900.....	160,055	1911.....	205,873
1890.....	174,035	1901.....	151,986	1912.....	188,675
1891.....	250,000	1902.....	230,000	1913.....	172,299
1892.....	203,000	1903.....	210,573	1914.....	158,623
1893.....	279,158	1904.....	288,775	1915.....	173,936
1894.....	302,655	1905.....	267,966	1916.....	227,828
1895.....	206,460	1906.....	276,722	1917.....	333,056
				1918.....	406,415
				1919.....	641,337

The following table made from figures submitted by the State Board of Equalization, is worthy of note :

Assessed Valuation of Livestock.

1915	Total	.....	\$ 46,235,493.00
1916	"	.....	52,384,484.00
1917	"	.....	65,585,652.00
1918	"	.....	75,000,516.00
1919	"	.....	157,501,960.00

The noticeable increase in 1919 over 1918, is due to the new method of figuring taxation. In 1919, all property was valued at its correct value, and the basis for the imposition of the tax, was some certain percentage of the true and full value. In the case of livestock, this basis was 33 $\frac{1}{3}$ %. If the method pursued in 1918 had been used in 1919, the 1919 valuation would have shown \$52,500,653 or a decrease of \$22,499,863.

The total number of livestock in Montana on March 1st, 1919, shown on the assessment rolls, were as follows:

Cattle (All Classes)	.....	1,214,724
Horses	"	591,817
Sheep	"	2,107,797
Hogs	"	76,805

It is, therefore, evident that there are at least 573,000 head of cattle being wintered in Montana.

The table to be found below is intended expressly to show the number of horses shipped, but by a study of the entire contents, some idea of the magnitude and scope of the work performed by the employees of the Live Stock Commission, can be gained:

Name	Address	Time Employed, Months	Salary	Expense	Cattle Inspections West	Cattle Inspections State	Cattle All Other	Horse Inspections	Horse All Other	Arrests	Convictions	Cases Pending	Strays Sold	Strays Returned to Owner
W. G. Allen	Great Falls	12	\$1,800.00	\$963.27	18,157	20,613	3,217	6,074	6	2	2	2	14	125
Ott Casady	Cut Bank	2½	350.00	159.92	275	169	161	525						
Geo. Campbell	Big Sandy	5	725.00	53.95	381	570	153	570						21
J. W. Collins	Butte	12	1,800.00	176.80	23,242	6,825	500	459	16	11	2	2	16	8
R. B. Crawford	Big Sandy	6	800.00	43.35	3,764									
C. S. Dennis	Glasgow	12	1,800.00	656.55	42	60	82	2,338	18	9	5	5		51
Ed. Easley	Sidney	12	1,750.00	474.00	21	590	357	576	1	15	2	1	1	23
D. V. Erwin	Dillon	12	1,800.00	1,070.28					17	15	2	2		
H. C. Farnum	Miles City	12	1,800.00	1,366.33	562	14,631	634	10,995	15	11	1	1	18	116
J. J. Fitzpatrick	Perma	6	900.00	91.85	974									
H. J. B. Herford	Billings	6½	975.00	159.12	13,756	22,367	2,216	4,821	4	2	2	2		15
H. J. Hanson	Thompson Falls	4	575.00	337.25	430	52	4	8	3					
*Font Hitchcock	Billings	12	1,925.00	334.16	3,237	182	81	37	1	1				
J. F. Kiehl	Harlowton	12	1,800.00	474.79	5,082	5,560	1,334	1,674	11	4	9	9	5	42
Frank Latta	Bozeman	12	1,800.00	235.23	9,583	1,461	495	1,250	9	2	4	4	16	149
Wm. Lovell	Dillon	12	1,800.00	180.00	3,902	31,015	588	2,244						125
Leslie McCann	Lewistown	12	1,800.00	1,294.69	2,982	5,799	720	2,709	15	6	8	8	3	100
James McCoy	Chinook	12	1,800.00	448.31	40	1,138	994	1,377	8	3	3	3		15
J. A. Miller	Circle	12	1,800.00	710.35	125	237	270	215	15	10	2	2		18
C. W. Sims	Hayre	12	1,800.00	818.89	2,442	5,717	4,215	6,232	7	1	1	1	2	17
*A. R. Sellers	Browning	11	1,762.50	734.11	510				11	6	3	3	12	40
W. F. Parks	Ismay	12	1,700.00	102.98	25	1,890	901	1,189	5	2	3	3		9
J. F. Woods	Forsyth	12	1,800.00	173.45	773	3,849	419	1,585	3					
Ben Winn	Sand Springs	5½	1,687.50	367.80										8
t. } H. F. Young	Billings	12	1,825.00	265.36										
t. } B. E. Zachary	Billings	12	1,825.00	1,402.35										
F. C. Lavigne, Ch. Detec.	Helena	12	2,700.00	6,028.85	28,872	16,869	19,373	2,429	11,229	27	22	5	10	184
Miscellaneous Inspections.				2,252.40										
S. J. Scott, Mkt. Ins.	Chicago	12	3,000.00											
Jack LaBeau, Mkt. Ins.	Omaha	12	1,800.00	820.26										
O. A. Daugherty, Mkt. Ins.	Omaha	12	2,400.00	14.21										
R. Bacon, Mkt. Ins.	St. Paul	12	1,839.96	357.94										
W. H. Rhoads, Mkt. Ins.	St. Paul	12	2,100.00	49.55										
B. H. Graham, Mkt. Ins.	Sioux City	12	2,000.00											
W. L. Calahan, Mkt. Ins.	Kansas City	4	116.68											
Jas. Runyan, Mkt. Ins.	St. Joseph	6	100.00	157.89										
Extra Market Inspectors			3,541.67	5,139.02										
Helena Office.			8,629.70	1,200.00										
Attorney Fees.														
		---	\$65,163.01	\$29,118.16	33,323	103,428	158,050	20,274	57,512	201	113	58	97	1,066

NOTES:

*Part time market inspectors.

†Inspections included in report of J. B. Herford, Billings.

The report of Frank C. Lavigne, Chief Stock Inspector, appended hereto, deals with the work performed by the various inspectors and detectives in the criminal line. Further comment at this time, is unnecessary.

During the year, the Live Stock Commission handled \$615,446.85, which represented the sale of 9574 animals, of all classes, including horses and cattle, sold locally within the State, and steers, cows, and calves, shipped to market. Of this amount, the bulk was delivered to claimants as soon as possible after its receipt. Some of it is necessarily held because of disputed ownership, or for various other reasons, and a small part, representing the sale of estrays, remains in the possession of the Commission. This latter is advertised in the Annual Estray List, published by the Commission, and is subject to claim. What balance may be left on hand after two years, reverts to the Live Stock Commission Fund, and is used for maintenance.

Bounty.

The Sixteenth Legislative Session, in passing substitute for Senate Bill No. 89, (Chapter 98, Page 176, 1919 Laws), transferred the supervision of the Bounty Fund from the State Board of Examiners, to the Live Stock Commission. For two years, previous to this or during 1917 and 1918, the Live Stock Commission, through arrangement with the Board of Examiners, had been investigating all bounty claims filed. If, in the opinion of the Commission, any claim should be rejected or held up, this was done.

During the years 1917, 1918, and 1919, the total of bounty claims filed and paid, was \$191,206.01 less than the amount paid during the three preceding years, (1914, 1915, and 1916). Under the present method of handling bounty claims, all payment of interest has been done away with. All bounty claims are now received, investigated and filed, in the specified time. This alone means a great saving to the fund, as the interest paid on accumulated bounty claims, during the years 1914 to 1918, amounted to \$16,625.67. The following tables may be found of interest in this connection:

Year	Amount Bounty Paid	Interest Paid
1914	\$161,988.46	\$7,362.29
1915	196,366.52	5,559.57
1916	85,205.52	835.52
1917	124,655.15	1,936.65
1918	76,970.34	931.64
1919	49,729.00	.....

For the benefit of the stockman, who, because of lack of feed, was forced to change his range or to ship his stock from one point to another, the Commission inaugurated the following rule in September, and instructed all inspectors to adhere to it:

“Until further notice, all shipments of horses will be inspected on the same basis as cattle shipments, except where a change of ownership occurs. In other words, there will be no inspection fee charged for horse shipments, where no change of ownership has taken place, and the Live Stock Commission will bear the expense of making such inspections.”

At this time, the Live Stock Commission has up with the Railway Administration, the matter of a cheaper rate on all breeding stock, shipped into the State. If this is granted, it should act as an inducement to stockmen to replenish their herds.

To the Honorable Live Stock Commission,
Jno. H. Burke, President,
E. A. Phillips, Secretary,
State Capitol Bldg., Helena, Mont.
Gentlemen:

I have the honor to submit herewith my Annual Statistical Report for the year 1919, of the administration and operation of that branch of the service, under my supervision, performed by livestock inspectors and detectives, pertaining to the apprehension and prosecution of those violating the Livestock Laws.

In spite of the phenomenal amount of work done, during the preceding years, in the prevention of law violations, and the vigorous, persistent prosecution, instituted against offenders, the total number of arrests made for felony charges,

do not seem to decrease. This is due partly to the high price of livestock, the demand therefor, and the lack of ordinary business precautions being exercised by those buying stolen stock.

During the year 1919, we had a number of sheep stealing cases of goodly proportions; in one instance, 562 head were stolen. The money value of these sheep was recovered for the owner. At another time, 475 head were stolen. These sheep were recovered and restored to the owner. In both cases, the thieves were prosecuted and convicted.

We had at least two very important and noted trials for the theft of cattle and horses, wherein associate counsel assisted the County Attorneys. These cases were contested bitterly from every angle, the trials lasting several days. The defendants being either men of influence or wealth and position in the State. One conviction and one acquittal was had in these two cases. One conviction in a hog-stealing-case was appealed to the Supreme Court and the lower court sustained. An appeal on a motion for a new trial, is still pending in the Supreme Court of the State, in a horse-stealing-case.

In the list of animals stolen, where cattle, horses, mules, burros, sheep and hogs. In one instance, the theft of a lot of chickens was reported to this office and a demand made for an investigation, on the ground that the complainant thought chickens should be classed as livestock. We had several cases wherein the "rustlers" eluded arrest for the time being, going to Wyoming, Mexico, Oregon, and Minnesota. One man was 400 miles in the interior of Alaska, while another went to the Philippine Islands. All were returned and prosecuted, or are awaiting trial. Several were taken out of the Army.

A number of the horse and cattle thieves arrested, were dangerous characters, or what is commonly termed, "hard-boiled". One man was shot, resisting arrest, but later recovered, while two were killed outright.

During the past year, several large organized bands of rustlers, operating in Montana and adjoining states, were broken up by the arrest of several of their members, while a few of them left the country, fearing arrest and prosecution. In the arrest and prosecution of stock rustlers, a num-

ber of inconsistencies are brought to light. One feature is the tendency of juries, through sympathy or otherwise, to fix the minimum time of one year for the majority of cases, no matter on how large a scale the depredations have been carried on. On other occasions, the trial judge fixes the penalty and immediately give a suspended sentence. These acts while humane, from a sympathetic standpoint, have a tendency to remove the respect and fear of the law. Another thing is the frequency of stockmen furnishing bail bonds for stock thieves and in some instances, assisting in their defense, or appearing as character witnesses in their behalf. Practices of this kind are discouraging to the prosecution. As a matter of principle and consistency, stockmen should refrain from such practices, as they have an indirect interest in each case prosecuted.

During the fiscal year, just ended, we have handled a good many cases, wherein the ownership of livestock was in dispute, and a large number of investigations made without sufficient evidence to warrant arrest and prosecution. In work of this character, it is a difficult matter to make a detailed account of such cases.

Regular and systematic inspections have been made of bounty claims. In course of these investigations, it has been ascertained, occasionally, the hides of predatory animals have been shipped into the State of Montana from adjoining states, where the bounty is less and in some cases, the bounty has been collected in both states. By close scrutiny of all bounty claims and a thorough investigation of all claimants, together with a few prosecutions, these claims have been materially reduced.

The stock inspectors and detectives have received much aid and valuable assistance from the various sheriffs' offices throughout the state and great credit is due them for their efficient work and harmonious cooperation.

The County Attorneys have conducted the prosecutions on behalf of the State, in a manner deserving of high praise and they are worthy of the hearty commendation of all stockmen.

In concluding this report, I wish to thank all the stock inspectors and detectives for their faithful services and I sincerely hope the coming year will show a still further improvement in the method and manner of carrying out the duties of this branch of the service. I herewith attach a detailed statement.

Respectfully submitted,

FRANK C. LAVIGNE,

Chief Stock Inspector.

NAME OF INSPECTOR	No. Arrest	No. Con.	No. Pending
W. G. Allin.....	6	2	2
Ott Cassady	0	0	0
Geo. Campbell	0	0	0
Jno. W. Collins.....	16	11	2
R. B. Crawford	2	-----	-----
Ed. Easley	1	1	-----
H. C. Farnum	15	11	1
J. J. Fitzpatrick.....	0	0	0
J. B. Herfonl	4	2	2
H. J. Hason	3	0	1
J. F. Kiehl	11	4	9
Frank Latta	9	2	4
Wm. A. Lovell	0	0	0
Leslie McCann	15	6	8
James McCoy	8	3	3
J. A. Miller	15	10	2
C. W. Sims	7	1	1
A. R. Sellars	11	3	6
W. F. Parks	5	2	3
J. E. Wood	3	3	0
Ben Winn	0	0	0
J. M. Adamson	5	3	2
H. R. Mellen	2	2	0
D. V. Edwin	17	15	2
C. S. Dennis	18	9	5
Font Hitchcock	1	1	0
Frank C. Lavigne	27	22	5
TOTAL	201	113	58

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